

COPY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

SOUTHEAST TELEPHONE, INC.)

MAR 14 2003

Complainant,)

PUBLIC SERVICE
COMMISSION

v.)

No. 2003-00105

BELLSOUTH TELECOMMUNICATIONS, INC.,)

Defendant.)

COMPLAINT

The complainant, Southeast Telephone, Inc., respectfully shows:

(1) That Complainant, Southeast Telephone, Inc. ("Southeast Telephone"), is a Kentucky corporation with its principal office located at 106 Power Drive, Pikeville, KY 41501. Southeast Telephone is a competitive local exchange carrier ("CLEC") providing service to thousands of customers around Kentucky.

(2) That Defendant, BellSouth Telecommunications, Inc. ("BellSouth"), is an incumbent local exchange carrier ("ILEC") and has its principal office located at 675 West Peachtree Street, #4300, Atlanta, Georgia 30375.

INTRODUCTION

(3) This is an action to compel Defendant to modify its current policy in regard to Land-to-Mobile calling requiring 11-digit dialing for certain calls to cellular telephones and pagers. Complainant asserts that the requirement of 11-digit dialing now required by BellSouth is harmful to Complainant and consumers in Kentucky. Defendant

must be compelled to adopt a less restrictive means to comply with the FCC's Numbering Resource Optimization Order.

JURISDICTION

(4) Jurisdiction of the Kentucky Public Service Commission ("Commission") arises from Section 278.260 of the Kentucky Revised Statutes, which vests jurisdiction in the Commission over complaints as to "rates or service of any utility, and upon a complaint in writing made against any utility by any person that any rate in which the complainant is directly interested is unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act affecting or relating to the service of the utility or any service in connection therewith is unreasonable, unsafe, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained." In addition, K.R.S. 278.040 vests jurisdiction in the Commission over all utilities located within the Commonwealth.

FACTUAL BACKGROUND

(5) On or about April 24, 2002, the FCC released an Order in Docket number 99-200, concerning Numbering Resource Optimization. Pursuant to that Order, a schedule was adopted for the rollout of so-called "thousand block number pooling."

(6) In response to that Order, BellSouth recently modified its Land-to-Mobile calling plan to implement Wireless Telephone Number Pooling and Wireless Local Number Porting. This change was made to identify both the area code and three digit prefix (NPA-NXX) of a number as well as individual numbers subject to optional Land-to-Mobile calling plans.

(7) In implementing this change, however, BellSouth requires 11-digit dialing ("1+ dialing") rather than 10-digit dialing in certain regions of Kentucky.

(8) This has resulted in hardship and harm to Complainant and Kentucky consumers affected by this new change.

(9) Complainant brings this action on behalf of itself as well as its customers who are being harmed by Defendant's actions.

ARGUMENT

THE COMMISSION SHOULD REQUIRE BELL SOUTH TO IMPLEMENT TEN-DIGIT DIALING IN KENTUCKY TO ACCOMMODATE THE FCC'S NUMBER RESOURCE OPTIMIZATION ORDER.

(10) As this Commission is aware, since the recent implementation of 11-digit dialing, many problems have arisen for telephone customers across Kentucky. In Claimant's service regions, BellSouth's 11-digit calling requirement has resulted in serious problems for business, residential and government customers.

(11) There are several groups of Kentuckians that are seriously affected by this requirement (See Attachments):

(a) Prepaid customers: These consumers are required to pay their carrier in advance generally due to bad credit or simply because they desire to pay in advance. These consumers are not permitted to utilize long distance on their telephone as part of the plan. Thus, these customers are not able to call many numbers they could before BellSouth implemented 11-digit calling.

(b) Businesses with PBXs: Many of these consumers program their PBX systems to disable "1+" calls to prevent toll charges by calls from employees. BellSouth's 11-digit dialing requirement prevents these consumers from calling mobile

telephones and pagers. In addition, 11-digit dialing is causing problems with VMX systems making it difficult or impossible to forward inter-office voice-mails to mobile phones and pagers.

(c) Schools: Pursuant to K.R.S. 156.670(5), every school in the Commonwealth is required to have a telephone in each classroom. Many, if not all, of these phones have restricted long-distance access. Due to the 11-digit dialing requirement, calls from these phones may not be placed to mobile telephones and pagers in the affected BellSouth territories.

(d) Courthouses: The Pike County Courthouse cannot dial mobile telephones or pagers because the Courthouse PBX system does not allow "1+" dialing.

(e) Southeast Telephone has received an overwhelming number of complaints from its customers relating to this issue since BellSouth implemented the new dialing protocol.

EMERGENCY RELIEF

(12) The inability of these and other Kentucky consumers to be able to dial a mobile telephone or pager is far more than an inconvenience. It represents a potentially serious emergency for these consumers. Prepaid customers face the need to call a loved-one for emergency medical care; businesses are confronted with an urgent need to contact an employee; children in school could be presented with life-threatening situations requiring immediate contact with their parents; courthouses require the ability to contact police or other emergency providers. These are urgent matters requiring Emergency Relief from this Commission.

CONCLUSION

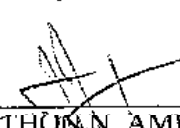
(13) Claimant does not contend that this Commission should supercede any ruling of the FCC insofar as Number Pooling is concerned. Claimant agrees that 7-digit dialing must be eliminated, but the 11-digit requirement implemented by BellSouth has resulted in confusion, chaos and potentially disastrous consequences for Kentucky's consumers. Defendant may still comply with the FCC requirements by implementing 10-digit dialing rather than its current methodology.

WHEREFORE, Complainant requests the Commission to:

- (1) Grant Claimant, its customers and consumers of Kentucky immediate Emergency Relief from BellSouth's 11-digit dialing requirement for mobile telephone and pager calls;
- (2) Compel BellSouth to implement 10-digit dialing for these calls as soon as is practical;
- (3) Grant Claimant its reasonable costs and attorney fees, and
- (4) Grant any such additional relief as it deems appropriate.

Dated at Louisville, Kentucky, this 14th day of March, 2003.

Respectfully submitted,


JONATHAN N. AMLUNG (KBA#86892)
ATTORNEY FOR COMPLAINANT
1000 Republic Building
429 W. Muhammad Ali Blvd.
Louisville, Kentucky 40202
Telephone (502) 587-6838
Facsimile (502) 584-0438

CERTIFICATION

I hereby certify that a true and correct copy of the foregoing was mailed, postage pre-paid, this the 14th day of March, 2003, to:

Ms. Dorothy Chambers
BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Louisville, KY 40203



JONATHAN N. AMLUNG (KBA#86892)

SouthEast Telephone

March 14, 2003

Ky. Public Service Commission
Attn: Tom Dorman
211 Sower Blvd.
P O Box 615
Frankfort, KY 40602-0615

Re: Problems experienced by prepaid customers

Mr. Dorman:

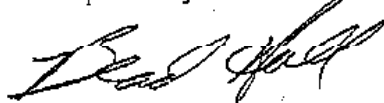
SouthEast Telephone is writing on behalf of our customers who are on the prepaid calling plan. This plan was developed for customers with a bad credit history or customers that wanted to pay for services in advance. Prepaid customers have toll restriction on their lines to prevent long distance dialing.

Dialing changes that resulted from an order by the Federal Communications Commission which changed the way cell phone numbers are assigned has wrecked havoc on these customers and is discriminatory to them. As you are aware, this FCC decision has initiated 11-digit dialing for certain calls to cellular phones and pagers.

Prepaid customers began calling our business office on March 1st to complain about the 11-digit dialing. Currently, these customers are faced with the problem of not being able to call cellular phones or pagers that require the 11-digit dialing pattern; in essence, they have paid for a service in advance that they cannot use. We tend to agree with the customer, especially since 10-digit dialing is a very real solution and would have eliminated the problems associated with the 11-digit dialing. The only difference we see in the 10-digit and 11-digit dialing is the loss of long distance revenue for BellSouth.

On behalf of our prepaid customers, we seek some type of relief from the Public Service Commission, preferably in the form of 10-digit dialing.

Respectfully submitted,



Brad Hall
Director of Operations

Pikeville Independent Schools
P.O. Box 2010
Pikeville, KY 41502
606-432-8161

March 14, 2003

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Dear Sir or Madam:

As of March 1, 2003, the dialing pattern to call pagers and cellular phones has taken an extreme change from 7 to 11 digit dialing without any advanced notice to our school system. Since the telephone is a vital part of any business our offices are in the utmost chaos. In order to accommodate the new 11 digit dialing pattern we will have to completely unrestrict all phones and allow for 1+ dialing, which means any student could place a long distance call anywhere in the country. This is just not acceptable to our school system because it could potentially create unnecessary expenditures.

The Kentucky Department of Education requires a telephone in every classroom and our telephone system recognizes 1+ as a long distance call, however, establishing a 10 digit dialing pattern would allow our students & faculty to dial pagers and not access the long distance network. We do not know the exact cause or reason for such a change, but we are asking the Kentucky Public Service Commission to consider some kind of relief for our current situation.

Please give me a call if you have any questions or to discuss any other type of resolutions to oblige this situation.

Sincerely,

Pikeville Independent School System



Sandra Branham

**PIKE COUNTY FISCAL COURT
146 MAIN STREET
PIKEVILLE, KENTUCKY 41501
606-432-6281**

March 12, 2003

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Dear Sir or Madam:

As of March 1, 2003, the dialing pattern to call pagers and cellular phones has taken a drastic change, from 7 to 11 digit dialing without any advanced notice or warning to our offices. Since the telephone is such a vital part of our everyday business, the government offices of Pike County Fiscal Court are now in extreme chaos. In order to accommodate the new 11 digit dialing pattern we will have to completely unrestrict all phones and allow for 1+ dialing, which means any employee could place a long distance call to anywhere in the country. This is just not acceptable to our business because it could potentially create burdensome, and unnecessary, expenditures.

Currently our telephone system recognizes 1+ as a long distance call, however, establishing a 10 digit dialing pattern would allow our employees to dial pagers and not access the long distance network. We do not know the exact cause or reason for such a change, but we are asking for the Kentucky Public Service Commission to consider some kind of relief for our current plight.

Please give me a call if you have any questions or to discuss any other type of resolutions to accommodate this situation.

Sincerely,

Pike County Fiscal Court

Johnnda B. Billiter
Johnnda B. Billiter
County Treasurer